

Message Text

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PAGE 01 HAVANA 01062 260116Z
ACTION ARA-14

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FM USINT HAVANA
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FOR ARA/CCA AND L, CA/SCS

EO 11652: NA
TAGS: CGEN PDIP CU
SUBJ: MINREX QUESTIONS USINT NOTARIAL NOMENCLATURE

1. IN MARCH 6 NOTE TO USINT, MINREX OBSERVED THAT FOLLOWING STANDARD NOTARIAL NOMECLATURE BEING USED BY AMERICAN CONSULAR OFFICER IN HAVANA: QUOTE CONSUL OF THE UNITED STATES OF AMERICA AT HAVANA, CUBA, DULY COMMISSIONED AND QUALIFIED UNQUOTE. DEPT. WILL NOTE THAT THIS STANDARD LANGUAGE DRAWN FROM NOTARIAL FORMATS IN 7 FAM. USINT STANDARD VENUE IS REPUBLIC OF CUBA, PROVINCE OF HAVANA, CITY OF HAVANA, EMBASSY OF SWITZERLAND, UNITED STATES INTERESTS SECTION. MINREX FURTHER OBERVED THAT CONOFFS ACCREDITED IN CUBA AS QUOTE SECOND SECRETARY AND CONSUL IN THE EMBASSY OF SWITZERLAND, UNITED STATES OF AMERICA INTERESTS SECTION IN CUBA UNQUOTE.

2. AFTER MAKING ABOVE OBSERVATIONS, MINREX NOTE ASKS IF, IN USINT'S JUDGMENT, NOTARIAL NOMENCLATURE USED CONFORMS WITH TERMS OF MAY 30, 1977 EXCHANGE OF NOTES ESTABLISHING INTERESTS SECTIONS. RELEVANT PASSAGES RELATING TO THIS QUESTION IN PARAGRAPHS EIGHT AND NINE OF THE ENGLISH VERSIONS OF THE MAY 30 NOTES
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STATE QUOTE THE INTERESTS SECTIONS MAY CARRY OUT ROUTINE DIPLOMATIC AND CONSULAR FUNCTIONS....UNQUOTE, AND QUOTE BOTH GOVERNMENTS RECONFIRM THEIR COMMITMENTS UNDER THE APPLICABLE INTERNATIONAL TREATIES GOVERNING DIPLOMATIC AND CONSULAR RELATIONS TO WHICH BOTH ARE PARTIES. PERSONNEL OF BOTH SECTIONS SHALL BENEFIT FROM THE PRIVILEGES AND IMMUNITIES PROVIDED BY THOSE TREATIES

UNQUOTE.

3. USINT BELIEVES STANDARD NOTARIAL LANGUAGE CITED IN
PARA 1 CONSISTENT WITH TERMS OF PARA EIGHT. NOTARIAL SERVICES
ARE A ROUTINE CONSULAR FUNCTION. GOC MAY BE QUESTIONING
USE OF TERMS COMMISSIONED AND QUALIFIED. COMMISSIONS AND
QUALIFICATIONS OF AMERICAN CONSULAR OFFICERS ARE SENDING
STATE RESPONSIBILITIES. IT IS OUR SENSE THAT THIS IS A
ROUTINE INQUIRY. CONOFF HAS DISCUSSED IT OLGA MIRANDA
MINREX LEGAL ADVISOR, WHO SAYS SHE IS JUST ASKING A SIMPLE
QUESTION. HOWEVER, THERE MAY BE SOME HIDDEN MOTIVE
RELATED IN SOME WAY TO CUBAN CONSULS' NOTARIAL SERVICES IN
WASHINGTON OR TO DEEPER QUESTIONS OF RECIPROCITY.

4. REQUEST DEPT. GUIDANCE AS TO WHETHER USINT'S
NOTARIAL FORMATS AND TERMINOLOGY ARE CORRECT BOTH IN
TERMS OF STANDARD USAGE AND MAY 30 EXCHANGE OF NOTES.
IN THIS CONNECTION IT MAY BE USEFUL TO CHECK ON HOW
CUBINT CONSULS FORMULATE THEIR NOTARIAL ACTS.
LANE

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